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Anne Penachio, Esq.

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re

CHAPTER 11

JAMES GOLDMAN,

CASE NO.: 22-35204

Debtor.

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**DECLARATION OF DEBTOR
PURSUANT TO LOCAL BANKRUPTCY
RULE 1007-2**

JAMES GOLDMAN, hereby declares and states the following under penalties of perjury:

1. I am an entrepreneur. Over the years, I have owned and operated several food related businesses associated with the Brother Jimmy's BBQ restaurant chain and other dining establishments.

2. I founded the Brother Jimmy's BBQ chain in NYC more than thirty years ago in 1989. While initially the chain was extremely popular and highly successful, over the years, it has experienced financial hardships. At various times, I have had to dilute my interests in order to raise additional capital needed to keep the chain afloat.

3. Notably, in September 2017, I suffered severe economic losses from Hurricane Irma which completely destroyed two restaurants that I was operating in St.

Maarten. Everything was laid to waste and those businesses never reopened.

4. More recently, the COVID-19 pandemic was financially devastating. Like all restaurateurs and those engaged in the hospitality business, I suffered significant business setbacks due to COVID. The difficulties began with prohibitions on “in person” dining and have continued even after restaurants were permitted to re-open. Capacity restrictions, vaccination requirements, and severe labor shortages, combined with supply side deficiencies and significant inflation have created a toxic environment for my restaurants. The uptick in crime and resurgent COVID variants, have caused further hardships.

5. Prior to COVID, there were five (5) Brother Jimmy’s operating franchisees/licensees in Connecticut, Florida, and Maryland, with (5) new franchises slated to open in Florida and New York. As a result of COVID, four (4) of the franchises / licensees have closed permanently, and the four franchises under construction will not open, leaving in total only a single operating franchise presently operating in Maryland.

6. My financial predicament became even more untenable after one of the former Brother Jimmy's landlord for the midtown Manhattan/Penn Station location (the "Landlord") obtained a judgment against me and two corporate entities. The Landlord claimed damages emanating from the surrender of the 416 8th Avenue premises. The restaurant which operated from the premises for more than a decade . Despite an expensive renovation to the premises, the restaurant suffered continuing losses due primarily to the downturn in the economy and the now habitual awful performance of the New York Rangers and Knicks who play directly across the street from this location. Following litigation in New York State Supreme Court, the Landlord obtained a seven-figure judgment against me

and the corporate entities for breach of the lease. While we are appealing the decision we do not have the money to bond the judgment due to COVID's impact on the restaurants cash flow. The judgment has made obtaining any sort of working capital or credit facilities for any business I am associated with impossible. It is interesting to note that the MSG location where the judgment was obtained has remained void of a restaurant despite its high profile location directly across the street from Penn Station and MSG. Midtown Manhattan continues to suffer from the Pandemic with office occupancy remaining less than 30% and this absence of office workers continues to challenge other restaurants I am involved with in Midtown Manhattan such as Brother Jimmy's Lexington Avenue.

7. Absent COVID, the liability to the Landlord would likely have been managed by the corporate entities. The operating businesses would have likely entered into a payment plan. However, COVID caused drastic reductions in business revenue rendering it impossible to make any payments. There was a real sense of hope when the Federal Government launched the RFF Grant program which Brother Jimmy's qualified for. Unfortunately, the program ran out of money almost immediately and despite Brother Jimmy's qualifying for substantial grants no money was received and only 30% of the applicants across the country actually received funding. This actually made matters worse for Brother Jimmy's as those businesses that received funding now have a competitive advantage over those that didn't. Grants were significant often exceeding 1 million dollars.

8. Although I engaged in good faith efforts to settle the Landlord's claims, no resolution was reached. The Landlord undertook aggressive collection

efforts which seriously compromised my ability to focus on my business. The Landlord, which grossly distorted my financial and personal background in pleadings, moved to seize my assets including my bank accounts, business interests, vehicles, and a souvenir sentimental collection of decorative masks from New Guinea and New Orleans.

9. The Landlord's hardline tactics, coupled with continuing loses, solidified my decision to file for Chapter 11 as a small business debtor Subchapter V of the Bankruptcy Code.

10. My goal in this case is to formulate a plan which provides a fair distribution to creditors on their claims.

11. A list of the names and addresses of my five largest secured creditors is annexed hereto as Schedule I.

12. A summary of the Debtor's assets and liabilities is annexed hereto as Schedule II.

13. None of my property is in the possession of any custodian, public officer, mortgagee, pledge, assignee of rents, or secured creditor, or any agent for such entity.

14. I currently own the home in Pleasant Valley, NY jointly with my non-debtor spouse. The home was formerly held by a trust.

15. My business books and records are maintained in my home and at an office at 55 Bank Street Apt N1412 White Plains, NY 10606.

16. There are several legal actions pending against me.

See Schedule III attached.

Dated: White Plains, NY
April 5, 2022

James Goldman

JAMES GOLDMAN – 1007 AFFIRMATION

SCHEDULE I

SECURED CREDITORS

Bank of the West
2527 Camino Ramon
San Ramon, CA 94583

Jodi Solomon
342 West 84th St.
New York, NY 10024

JP Morgan Chase Bank, NA
270 Park Avenue
New York, NY 10017

Mid Hudson Valley FCU
PO Box 1429
Kingston, NY 12402

JAMES GOLDMAN – 1007 AFFIRMATION
SCHEDULE II

SUMMARY OF ESTIMATED ASSETS AND LIABILITIES

Real Property (1/2 Interest in Home at 101 Drake Road, Pleasant Valley, NY)	\$800,000.00
Winnebago RV	\$90,000.00
TVR 280	\$5,500.00
Misc. Household furnishings, Jewelry, collections etc	\$54,000.00
Potential Tax Refund	\$20,000.00
Business interests	Unknown
Total:	\$969,500.00

Liabilities:

Mortgages on 101 Drake Road, Pleasant Valley, NY	
Senior – JP Morgan Chase	\$407,000.00
Second Mortgage – Mid Hudson Valley CU	\$84,000.00
Total	\$491,000.00
Jodi Solomon – Child Support - DSO	\$1,000,000.00
General Unsecured Claims – Subject to dispute	\$2,100,000.00

JAMES GOLDMAN – 1007 AFFIRMATION
SCHEDULE III
LAWSUITS

416 8 th Owner LLC v. Goldman et al NYS Supreme Court, NY Co. Index No. 656009/2019	On Appeal
Lennox NY LL v. Goldman NYS Supreme Court, NY Co. Index No. 65585/2017	Pending
Strategic Funding v. Goldman NYS Supreme Court, NY Index No. 651459/2020	Pending
Out of the Blue Wholesale v. Goldman Civil Court, Bronx Co., Index No. 015163/2018	Pending
Millbrook Gardens v. Goldman Civil Court NY Co. Index No. 023615/2018	Pending
Wisemettac Asian Foods v. Goldman	Pending
Ninth Space LLC, Tobacco Road et ano v. Goldman et al NYS Supreme Court, NY Co. Index No. 655957/2017	Pending